



**QUISPAMIS PLANNING ADVISORY COMMITTEE
MEETING MINUTES – January 8, 2019**

Present: Darin Lamont Darren Bishop
 Brenda Fowlie Brent Preston
 Kendall Mason Marc Gosselin
 Violet Brown S. Dwight Colbourne

Absent: Michael Wowchuk

1. Call to Order

The PAC Secretary called the meeting to order at 7:00 p.m. As this was the first meeting of 2019, the PAC was required to elect a Chair Person and Vice Chair Person as per the PAC Policy. Mrs. Brown called for nominations for Chair Person three times.

Moved By Marc Gosselin
Seconded By Brenda Fowlie

That Darin Lamont be elected as Chair Person for the year 2019.

Motion Carried

Darin Lamont took the position of Chair Person and asked three times for nominations for the position of Vice Chair Person.

Moved By Brenda Fowlie
Seconded By Brent Preston

That Darren Bishop be elected as Vice Chair Person for the year 2019.

Motion Carried

2. Approval of Agenda

Moved By Marc Gosselin
Seconded By Brent Preston

That the Agenda be approved as written.

3. Disclosures of Interest

No disclosures were declared.

4. Approval of Previous Minutes

Moved By Darren Bishop

Seconded By Brent Preston

That the minutes of the December 11, 2018 PAC meeting be received and filed.

5. Business Arising from Minutes - Notice of Decisions

Sign Variance - 250 Quispamsis Road

Parking Variance - 9 Dawson Street

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the Notices of Decision be received and filed.

6. Unfinished Business

6.1 Home Business - 123 Robin Hood Lane

Mr. Ali Harati Rad attended seeking approval to operate a home occupation for the production of pickles at 123 Robin Hood Lane. This application was previously scheduled for the December 11, 2018 meeting but the applicant was unavailable.

Mr. Rad was asked about his plans for disposal of products so as to avoid the concern for rodents. He noted that this is a small-scale business so there will not be a large amount of disposal and it could be put in bins in garage or compost as it is all vegetables. There is no cooking for this recipe so there will be little or no odor. He stated that there is no selling out of the location and therefore he does not wish to put up any signs since no customers are coming to the property. There will be no other employees, so there will be no traffic. If the business grows, the applicant stated they will move to a commercial location.

Notice was sent to property owners within a 100-metre radius of the property. Several concerns were received for potential traffic, odor and disposal of products. The concerns were addressed by the PAC and the applicant. No one attended to speak for or against this application.

Moved By Brenda Fowlie

Seconded By Kendall Mason

That the PAC approve the home occupation for the production of pickles at 123 Robin Hood Lane, PID 445387, subject to the following terms and conditions:

1. Suitable arrangement shall be made for the storage of refuse to ensure that it does not attract vermin;
2. If ventilation is provided in the production area, it shall be through mechanical means and include filters to help prevent excessive odor from discharging onto adjacent properties;
3. It shall be secondary to the main residential use of the dwelling;
4. Not more than one person is engaged therein in addition to any permanent resident of the dwelling unit in which it is located;
5. It is confined to the dwelling unit and no part of it is located in an accessory building or structure;
6. The floor area of the dwelling unit, which is devoted to it, does not exceed the lesser of twenty-five (25) percent of the floor area of the dwelling unit, or thirty-two (32) square meters;
7. No change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a home occupation is being conducted therein;
8. No goods or services other than those directly pertaining to the home occupation are supplied or sold therein or therefrom;
9. No equipment or material used therein is stored other than in the dwelling unit;
10. Not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked on the lot;
11. There is to be no parking on the street or within Town property; and
12. The PAC approval to operate the business is non-transferable. The approval is solely for the benefit of the property owner named herein. In the event the business is discontinued or the lands are transferred, the said approvals shall terminate.

Motion Carried

6.2 Developer Agreement Amendment - 351 Hampton Road

Mr. Duane McAfee attended on behalf of Cal Cipolla of 606366 NB Ltd seeking approval for a Development Agreement Extension for the Multiple Residential

Development at 351 Hampton Road. This application was carried over from the December 11, 2018 meeting due to the unavailability of the applicant.

Mr. McAfee offered a time line of events from the summer of 2015 when the plans were originally reviewed, including two major fires that created a great loss for the family and the business, which resulted in a backlog of this project. In 2017, the applicant began the process again but created a bit of a different plan which started all new discussions. Therefore, the two-year extension deadline has expired and they are now asking for more time. It was confirmed that there were no other significant changes to the last approval of plans. Any significant changes will be further reviewed by Town staff, Council and or PAC.

Mr. Colbourne stated that PAC is being asked for their support to Council for a change in the timeline and noted that the project has not yet started therefore it is not sitting as an unfinished project that might create residential concerns.

Moved By Marc Gosselin

Seconded By Darren Bishop

That the Planning Advisory Committee support Council with the approval of the Developer's Agreement Amendment for the Extension on the Multiple Residential Development of Cal Cipolla on behalf of 606366 NB Ltd.

Motion Carried

7. New Business

7.1 Home Business (in Detached Garage) - 281 Hampton Road

Mr. Michael Lively attended asking for approval for a Home Occupation, that of Pinnacle Painting, to operate within a Detached Garage at 281 Hampton Road, PID 30082606.

Mr. Lively answered questions from the PAC stating that there will not be any spraying of lacquer in the detached garage as he works with latex paint only. The paint stripping is all done by sanding to remove the old finish before spraying a new finish, they do not use paint stripping chemicals. Mr. Lively stated that they are an environmentally friendly painting business, washing equipment used in latex paint only, all water soluble. There will not be any harmful chemicals or solvents going into the town sewer system.

There are nineteen (19) staff in total, with a maximum of three (3) staff in the detached garage sanding at one time but most times it would be one (1) to two (2) staff on site. There is a full-time administrator on site from 8am until 4:30pm

weekdays with the intention of having an office in the upstairs of the detached garage where customers can attend for consults and payments. There will be staff meetings on site once per month. Mr. Lively confirmed that there was a washroom in the detached garage, put there by the previous owner.

Mr. Lively was asked when he would consider moving his business to industrial or commercial since he is already exceeding the numbers of staff for a home business. He stated that he would move the business when he could afford it financially and that was dependent on the business growth; basically, when the business volume is double that of what he is doing now and the staff is increased to about thirty (30). Mr. Lively also stated that he is operating a very successful business and what is done in the detached garage is the bread and butter of the business. If this was done at another location, it would diminish the profits. Mr. Lively noted that this property was taxed as a Commercial Property when he purchased it and it was recognized that there was a Hearing Aid company inside the home previously.

Mr. Dave Isaacs of 266 Hampton Road, across the street from the applicant, spoke on behalf of the business. He stated that the business has been operating in the detached garage since the summer, doing painting business full time, and he has noticed no traffic change due to this painting business. He noted that some employees stop by in the morning for equipment but are quickly gone. The work in the garage seems unobtrusive. Mr. Isaacs figured there is usually only one or two employees on site regularly with Mr. Lively off site or on the road drumming up business.

Mr. Colbourne spoke on the by-laws with respect to Home Occupations and how they are intended to provide an avenue for businesses starting out and intended to be managed inside the home. He noted that there are no provisions for a secondary use that include operations outside of a home or business outside in any detached unit. However, Mr. Colbourne stated that there is a Neighborhood Commercial Zone in the by-law that permits various businesses such as a service repair shop and that a rezoning process would be required for something like this. He noted that Hampton Road has commercial properties along the way and that this property is not within a densely populated subdivision where more homes are located. He mentioned the Old Coach Road dental business as an example of a property that was approved with a Notwithstanding Clause and limited to a certain number of employees. As well, there is an Elevator Service business on Hampton Road on a property that was rezoned to Neighborhood Commercial. Mr. Colbourne stated that this application is a new request to PAC because of the way as it is being done in the detached garage but not for the operation of the business itself and noted that the Planning Department is considering businesses in detached units with the new

zoning by-law. As such, the Planning Staff and PAC need to look at what direction to follow such as restrictions on number of employees working at one time, noise and traffic levels being affected, public notification process, objections received, etc. Mr. Colbourne further stated that PAC must be comfortable with the balance of residential and commercial with regards to the residential use being primary and the business use being secondary as per the R1 Land Use of the property. As well, consideration should be given to a Developer's Agreement with conditions such as employees, hours of operation, solvents and other products not going into the town sewer, etc. Mr. Colbourne further noted that there was a previous variance in 1995 stating the oversize detached garage was to be used for private use only, and specifically not for living quarters.

Notice was sent to property owners within a 100-metre radius of the property. No concerns were received for this application.

Moved By Marc Gosselin

Seconded By Darren Bishop

That the PAC approve a Similar or Compatible Use as per Section 3(D) of the Zoning By-law 038, for the Use of the Land, with Residential as the Primary Use, to operate a painting business, that of Pinnacle Painting, in the detached garage at 281 Hampton Road, PID 30082606, subject to the following terms and conditions:

1. It shall be Secondary Use to the Primary Residential Use of the land;
2. Not more than two (2) persons are engaged therein in addition to any permanent resident of the property on which the business is located;
3. It is confined to the detached garage unit and no part of it is located in any other accessory building or structure or in the primary residence;
4. No other business is permitted to operate on the property;
5. No change, except for a sign, pursuant to the Town's Sign By-law is made in the outside appearance of the building which would indicate that a business is being conducted therein;
6. No goods or services other than those directly pertaining to the business are supplied or sold therein or therefrom;
7. No equipment or material used therein is stored in the dwelling unit or any other accessory building or structure;
8. Not more than one (1) commercial vehicle used in connection therewith, or not more than one (1) vehicle of any kind bearing a sign in connection therewith is parked on the lot on which the business is located;

9. Not more than two (2) Utility Storage Trailers may be on the lot on which the business is located;
10. Two (2) off-street parking spaces are provided in excess of those required under Section 6.(P),
11. No on-street parking is permitted and no parking is permitted on Municipal property;
12. The activity not involve the management or dispatching of more than one (1) commercial vehicle as per the definition of a commercial vehicle by the Motor Vehicle Transport Act;
13. A second sewer account will be set up for the term in which the business is operating at the approved location;
14. A detailed report on the supplies used on site and the disposal of any products used for the business must be delivered to the Town within thirty (30) days of any approval;
15. There is no further expansion of the existing building without rezoning;
16. The rezoning of the property to Neighborhood Commercial must be started within twelve (12) months; and
17. The property owner(s) enter into a Developer's Agreement with the Town which will include a potential decision rescinding should significant complaints be received by town.

Motion Carried

7.2 Front Yard Setback - 309 Hampton Road

Mr. Andrew McKay attended seeking approval for a front yard setback variance of three decimal two (3.2) metres for a corner of the 42-Unit, 3-Storey building at 309 Hampton Road, PID 252403.

It was noted that originally the engineered designs were thought to be compliant with the zoning by-laws but the final plan showed the building having a small portion in the front yard setback the street. Instead of doing a redesign to move the building back, it was preferred to ask for a variance as the setback variance would allow more room for the engineered storm water management pond and more room for separation from residential properties at the rear of the development.

Mr. Henry Bullock of 17 Old Coach Road spoke to the application noted that the plan looks like the same spot as previously planned and thought there was only a

minimum setback to his property. He suggested, as an alternative, that the building be rotated as he felt it could be brought in line with the setbacks and be further away from his property in doing so.

Mr. Colbourne noted that the setback from the Mr. Bullock's property, and all residential properties, meets and exceeds the setback with the ten (10) metres. The portion of the building that is within the setback is further away and there is a Commercial property between the development and the property of Mr. Bullock. Mr. Andrew O'Toole of Don-More Surveys & Engineering Ltd. spoke, as the Engineer on the project, about the storm water management pond and slopes in the front area of the development and the potential harmful impact to these if the building was rotated.

Notice was sent to property owners within a 100-metre radius of the property. Several concerns were received for the development itself but as this development was reviewed by Council through a rezoning process, the public notice done by the Town Clerk offered the opportunity of residents to voice their concerns during the public hearing process.

Moved By Kendall Mason

Seconded By Brenda Fowlie

That the PAC approve of the front yard setback variance of three decimal two (3.2) metres for a corner of the 42-Unit, 3-Storey building at 309 Hampton Road, PID 252403, subject to the previous conditions of the development approval.

Motion Carried

7.3 Setback to Main Dwelling - 33 Bernard Court

Mr. Michael Hazen attended seeking approval for a setback variance of one decimal five (1.5) metres for the distance between the main dwelling and an accessory building at 33 Bernard Court, PID 30269336.

Mr. Hazen noted that he was not the original purchaser of the property but spoke with the Developer, Mr. Robert Neal, and received notice that an accessory building was permitted as part of the property covenant. He did not ask him about water runoff plans with regards to the French drain that was constructed prior to him being the property owner and the location of the accessory building over the drain. Mr. Hazen assumes the water will continue to flow underneath the shed through the French drain with the building on blocks that are located on either side of the drain.

Moved By Brenda Fowlie

Seconded By Brent Preston

That the PAC approve the setback variance of one decimal five (1.5) metres for the distance between the main dwelling and an accessory building at 33 Bernard Court, PID 30269336, subject to the following terms and conditions:

1. The property owner obtains permission for the accessory building and its location from the Developer of the subdivision;
2. A building permit is issued after a review of the site drainage plans; and
3. The building is to be finished in a cladding system recognized by the National Building Code of Canada, current adopted edition.

Motion Carried

8. Information Items and/or Discussion

Council Meeting Minutes November 20th
Council Budget Meeting Minutes November 24th
Council Meeting Minutes December 4th

Moved By Marc Gosselin

That the Information Items be received and filed.

9. Adjournment

Moved By Darren Bishop
Meeting adjourned at 8:55 p.m.

Respectfully Submitted,

CHAIRMAN

SECRETARY